



The Last Word has been a part of ARIZONA ATTORNEY since 2004. And we believe its mission—to enlighten and enliven—has been a success.

Essays in "My Last Word" are occasional full-page viewpoints by lawyers outside our circle of magazine columnists. We still welcome letters to the editor, but longer pieces have a home here.

Welcome to "My Last Word," a place for members' own musings.

## Lions and Tigers and Bears (A Modest Proposal)

Over the last 25 years the supply of totem animals available for law firm branding has steadily diminished. Lions®, Bulldogs®, Sharks®, Wolves® and, most notably, Eagles® have long since been claimed. The supply of suitably aggressive and photogenic animal mascots is shrinking, and we may see the extinction of brandable animals in our lifetime.

It's not that there are not a wide variety of animals, fish, birds or reptiles in the world. The problem is that the remaining available wildlife lacks the characteristics necessary for an animal totem. For example, the Otter® is adorable and displays a characteristic slipperiness that arguably might suit some law firms to a "T." But is it tough enough? Is it aggressive enough? One only need envision a counter-advertising campaign showing an Otter® being dragged off into the sky by an Eagle® or shaken in the jaws of a Wolf® to recognize that while this might make a gripping episode of *Animal Planet*, it will never make for good law firm marketing.

The same objection applies to ferocious animals that lack a certain fundamental charm. For example, the Hyena® is a fierce and able predator whose predilection for mercilessly attacking the weak and vulnerable might make it the perfect totem for certain law firms. And there is little doubt that a pack of hyenas could hold its own against other totem animals, or at least beat a dignified, albeit snarling and slavering, retreat—again, providing a rich metaphor for legal practitioners. But who loves the Hyena®?

And what of young lawyers? Shall they eventually be forced to choose between crustaceans? Will we see the day of the Lobster® lawyer? Will it come down to Parakeets® and Tree Shrews®? Or will they be reduced to using inanimate objects as marketing icons? Will the legal profession eventually settle the grudge match between Rock®, Paper® and Scissors®? Say that it may not be so!

Clearly a fairer solution is required. There must be an equitable way to distribute (and periodically redistribute) totem animals. The critical flaw in the current system is that all the "good" animals are chosen first. While random assignment has substantial merit as indisputably fair, this is unlikely to console the

lawyers who draw the Sea Slug®, the Dikdik® or the Lesser Sloth® as their symbols of legal prowess.

This is why I propose that totem animals be assigned by *opposing* lawyers.

This may strike many as arbitrary, but I would submit that in fact it is the opposite. If anything, it is *too* apt. Who knows the ways of the Eagle® better than its prey? Who can gauge the aggression of the Lion®

or the Wolf® like the Deer® or the Antelope®? This not only will free up some noble beasts that have been caged by the confines of trademark and copyright, it undoubtedly will bring a vast new array of animals into the fray. Why, the mere addition of reptiles to the customary array of legal mascots will vastly expand our marketing menagerie.

Admittedly, the new system might present challenges.

There will be a temptation to associate opponents with various loathsome creatures—the Vulture®, the Weasel®, the Manatee® and the Giant Rat of Sumatra® are certainly subject to abuse. However, the propensity toward retaliatory mascotting will eventually and inevitably die down. Not every lawyer is a Skunk Bear®, just as not every lawyer is Lion®. There are only so many iconic creatures available. In time, we will learn to be judicious about who we deem a Dung Beetle®. *AC*

We may see the extinction of brandable animals in our lifetime.

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**JOHN CURTIN** was born in a snowbank in Northern Wisconsin. He was raised by a pack of feral badgers. This probably explains a lot about his character, as well as his legal career.

