

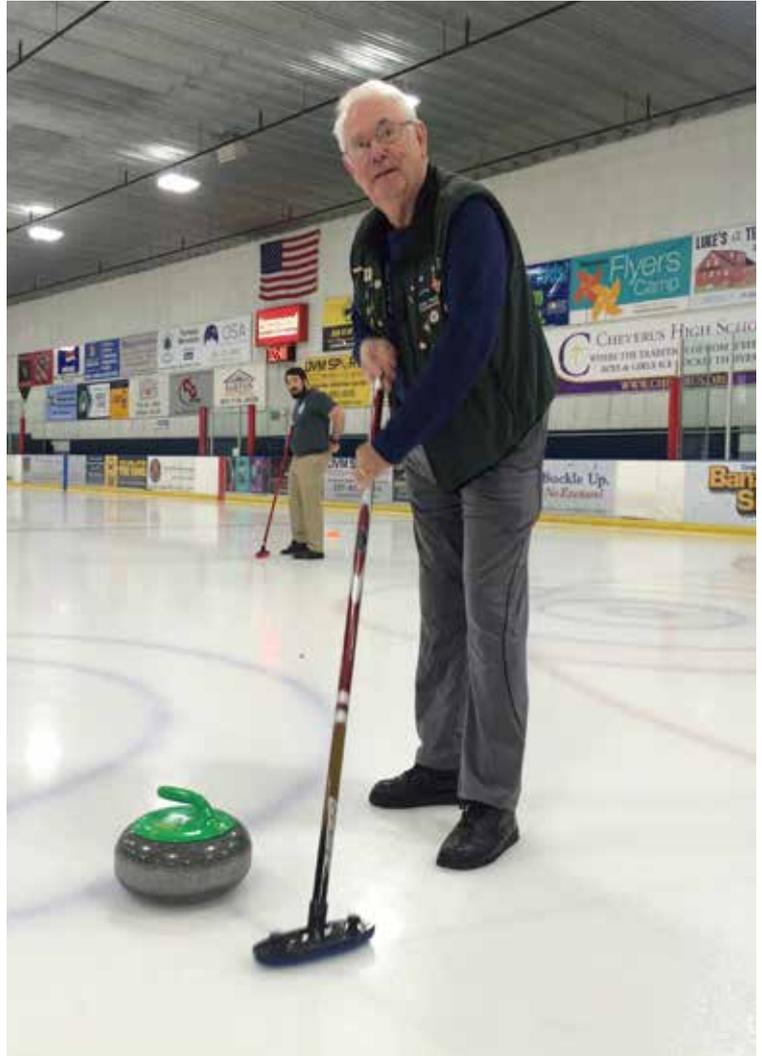
# BEYOND *the* LAW

## David Fletcher

Interview by Daniel J. Murphy

Photos by Joe Sato Murphy

For first-time spectators of a live curling match, there is much to take in. The ancient sport, described as “chess on ice,” requires players to slide large, polished stones across the ice to land in an area called the “house” at the other end of the rink. Teammates use brushes on the ice to control the speed and direction of the stone to hit the target or knock out an opponent’s stone. The excitement and satisfaction of a well-executed shot may be short-lived depending on the path of the stones that follow. Yet, notwithstanding this healthy dose of competition, curling is above all a collegial sport. Since its inception, it has been governed by a long-standing honor code known as the “Spirit of Curling.” Under this code, “[c]urlers play to win, but never humble their opponents.” These attributes, along with close proximity to active curling clubs in St. Stephen, New Brunswick, are what first drew David Fletcher to the sport. Now splitting his time between Calais and Scarborough, Fletcher recently assisted with the formation of the Pine Tree Curling Club in southern Maine. Fletcher recently spoke with the *Maine Bar Journal* to discuss his interest.



### **Please tell us about your interest in curling.**

By the time my children got out of college, I figured it was time for me to pick up a hobby. I was a real estate lawyer in Washington County, so golf was out of the question based on the busy summer season. However, there was a curling club that was active in the off-season in St. Stephen, New Brunswick. I had some friends who had been after me for years to do it, and I finally went over the border and joined in the fun. This was about 15 years ago. My Scottish heritage plated a big part in my initial interest.

### **St. Stephen and Calais are right next to each other, correct?**

From my old office in Calais, the only land you could see was in Canada. This changed after I moved my office to a different part of town. But St. Stephen and Calais are twin cities like Lewiston-Auburn or Bangor-Brewer.

### **How was it to get across the border for curling?**

It was easier in the past. At one time, you only had to say where you were going. In fact, years ago, both my son and daughter skated



in St. Stephen. If you put a hockey helmet on somebody and you were going across the river at 6:00 p.m., they wouldn't even roll the window down. However, after 9/11, I had to start taking a passport to go curling. The lines were never long and with border life, if you cross a lot, they get to know you pretty well.

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**Curling must be quite active in St. Stephen.**

Well, the club is over 100 years old. There are all kinds of leagues. There are men's leagues, women's leagues, mixed leagues, and older leagues. Occasionally, I curl in the morning and there will be somebody there in their 90s. They are still curling. It's a life sport.

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**Can you describe the sport for our readers who may not be familiar with curling?**

It's a fairly simple game. You take a roughly 40-pound stone and throw it 126 feet over a piece of ice and try to make it land where you want it to land. The sport is called curling because we turn the stone and it sort of curls in the same direction that you turn the stone. There are sweepers who make it go further, or curl less or more, depending on what you are trying to do. And there is a lot of strategy involved. It's very much like golf in that everybody can do it, but it is difficult to do it consistently well. That's the rub. To some extent, it is like horseshoes in that the one closest to the target wins. There is what is called the "house," which is the bulls-eye on the ice—that's the target. The end game is to have your stones in the middle of the bulls-eye and to knock out the other stones.

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**Tell us about the role of sweepers.**

The sweepers essentially melt the surface of ice. There is a micro-

scopic layer of water created by the sweeping. This means there is less friction because the water is slicker than ice. As a result, the stone goes faster and straighter if you sweep hard. So if you want it to curl, or go slower, you don't sweep the ice, and if you want it to go further and curl more, you sweep.

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**Do the shoes you wear on the ice have spikes?**

No, the shoe itself has a neoprene-like piece of solid plastic so that it floats everywhere. Then the shoes have a rubber coating so that you can get some friction on the ice. You take the overshoe off so you can slide. It's hard to describe, but they work well. Good curlers just glide on one foot, using the other to push and stop.

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**Do the curling stones have a big effect?**

Generally, it is not like bowling where you might buy your own ball, because the stones are very expensive. The best ones come from a place called Ailsa Craig, which is an island in Scotland. These stones are highly polished granite and they weight about 42 pounds. However, in general, everybody uses the same stones. Curling actually started in Scotland. I tell my friends that golf was only invented there because not everybody was athletic enough to curl.

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**Are there any competing curling clubs that are based in Maine?**

For some time, the only club in Maine was in Belfast. This club actually was started by people from the St. Stephen club. The Belfast club is very active. Recently, a curling club was started in Portland. After moving to Cumberland County, I assisted in the setup of a club from a legal standpoint and have participated in the curling.

The Portland Club, called the Pine Tree Curling Club, is about to start its third season. We have about 40 people on the ice at any one time. It's a good group.

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**Is there a good range of different ages and skill levels with the group?**

Yes, I would be by far the grandfather of the group, but there are people in their 20s, 30s and 40s in the club. There are some expat Canadians who are very, very good. And there are beginners who came to learn to curl, decided they liked it, and have stayed on. Curling is a very friendly sport. You shake hands before the game and you shake hands after the game. If someone on the other team makes a good shot, you always acknowledge that. You don't trash talk if you make a good shot. In clubs where we have a beverage facility, usually the winning team feels good because they won, and the losing team gets a free drink. You can't lose either way. It is very collegial and civilized. That is one of the nice things about curling, especially for a lawyer who is always used to dealing with adversity.

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**Is it physically demanding to curl?**

It's not terribly demanding. At one point, when my grandchildren were about 8 to 10 years old, I had them come to the rink with me.

They were able to get the stones down the ice. It can be physically demanding if you decide to throw and sweep hard, but at a club level, it is not a physically taxing sport.

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**What has helped you build curling skills?**

Like anything else, practice and good mentors. There are three things you can do that affect your shot. How hard you throw the stone, and the way you turn the handle left or right, have an effect. Then you have the broom, which is how you try to hit the target. Getting the last part right is usually where the challenge comes in.

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**What is the best advice you have ever received?**

Judge Vose, who was a District Court judge when I started practicing, called me into chambers early in my career. He said, "David, I'm going to give you one piece of advice: don't do anything unless you are going to make either money or friends." Every time I've ignored that advice, I've regretted it.



**DANIEL J. MURPHY** is a shareholder in Bernstein Shur's Business Law and Litigation Practice Groups, where his practice concentrates on business and commercial litigation matters.

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