

As a Lawyer, You Are Not the Centre of the World

AS A CIVIL litigator, you have to deal with many pressures and develop many skills. Possibly the most difficult lesson for you to learn will be that you are not the only one in the room, and while you have many things you have to accomplish to get through your day, this is also true for everyone else with whom you come into contact.

The Perspectives of Others

THE JUDGE HAS to juggle other cases, and you also must consider that the judge has a personal life. The judge may have issues with health or family; the judge may or may not have experience with your kind of case. There are many things going on in the present for the judge for which you have no appreciation. What you can certainly anticipate, however, is that the judge does not see your case, your client, or you, the way you do.

Now consider the opposing counsel. They have their clients, their witnesses, and their own personal and office lives with which to contend. They may trust you, or not; they may not even know you; they may approach the case

and you with trepidation or with confidence. As with the judge, you should anticipate that opposing counsel also does not see your case, your client, or you, the way you do.

So much for the industry professionals—now consider the witnesses and clients. These people may have little experience with lawyers or courtrooms. They usually do not want to be anywhere near you. They have private lives, and these lives intersect with the case that you present, which involves them in some fashion. In the case of independent witnesses, your case may represent an obstacle they have to overcome. Except for clients and professional witnesses (and often not even them), they likely do not trust you or the legal system that you represent. They certainly do not understand the language with which you are familiar or the assumptions that are common among lawyers.

A Professional Take on Stress

THERE ARE DIFFERENT ways to proceed in all walks of life, not only in the legal profession. Professionals make choices or end up taking a path by default. One of the choices you can make is to take all steps you can to get along well with others. There are few situations in which aggression, conflict, arrogance, or single-mindedness represents the best strategy. In addition, there are many lawyers for whom such a strategy does not fit comfortably.

Litigators base their professional lives upon conflict. Some take the position of their client to heart, which affects the way they perceive opposing clients and counsel, but many set their professional responsibilities apart from

their personal views. They maintain cordial, professional relationships with everyone with whom they interact.

Both in the courtroom and out, litigators have an impact on the other stakeholders. It is always possible to draw personal satisfaction from a job well done. Such satisfaction can be increased where there is little stress between the lawyer and others. It is the central thesis of this book that, along with job satisfaction, your chances of success improve as you develop rapport with the court, with counsel, and with lay folk. Our profession can be difficult enough to practise as we act within our skins. It becomes highly stressful when we act outside what is normal for us. In recognition of the increase in stress among lawyers, those who set and enforce our professional standards require that we act in a manner that is courteous and dignified. In other words, we have to act as professionals. This book seeks to present different thoughts about professional conduct in the modern era, as it relates to the courtroom practice of lawyers.

