



BOOK REVIEW: *On Becoming a Trial Lawyer*

by Kenneth H. Levinson

There are a plethora of books and resources to improve your technical skills. But among the countless tomes and guides on shelves these days, Rick Friedman's *On Becoming a Trial Lawyer* provides a decidedly fresh perspective on the mechanics and traits necessary to become an effective trial lawyer.

Perhaps helping us feel this way is the fact that Friedman admits he isn't a "naturally" gifted trial lawyer. It's this encouraging sense of honesty that gives him credibility; a candid approach for the newly minted - even veteran - attorneys who might feel discouraged by recent shortcomings. His insights are often an invigorating reminder of why lawyers fight so hard for their clients. By book's end, your instinct is to put his ideas into action.

Divided into three sections, *On Becoming a Trial Lawyer* offers step-by-step analysis, tutorials and anecdotes that provide helpful insight into our chosen profession. He doles out practical advice: watch trials; volunteer; try cases despite monetary incentives to settle; bring in co-counsel. He dispels all-too-common myths: trial lawyers are born not made; it's too late to start learning; the most well-suited trial lawyers never fall on hard times. As much as it is a book about self-improvement, Friedman's book is also about self-motivation.

More to the point, Friedman's work is largely intended for self-reflection, making note of the fact that technique is important, but that a trial lawyer must be willing to give him or herself to the jury, to be vulnerable. For Friedman, humility and vulnerability are the keys to long-term success, much in the same

vein as a healthy marriage.

"As you practice disclosing yourself to others," Friedman writes, "you will gain confidence and get more comfortable being your true self in a variety of situations, including inside the courtroom."

The book often returns to the idea that relationships are key, even in situations dealing with opposing counsel, which can be a dangerous trap. Civil defense lawyers, for example, whether in a deposition, courtroom, or elsewhere, can be "rude, dishonest and comically incompetent and still win," according to Friedman. "We cannot be any of those things and still win," he continues. Instead, we must resist the urge to fight fire with fire and "elevate the process and the discussion."

Other moments that stuck with me:

Courtroom truths

We're naturally inclined to seek out easy formulas and "universal courtroom truths," as Friedman calls them. The author warns that common assumptions can prove detrimental to many cases. Examples range from the idea that a jury composed of a certain ethnic background will be more favorable to plaintiffs to the archaic suggestion that wearing brown conveys friendliness. "There are no such rules or formulas," Friedman writes. "There never have been. There never will be. The process is too complex." Friedman advises applying "courage, creativity, and adaptability," which can go a long way toward winning difficult cases.

The limits of logic and sympathy

Lawyers become blinded by the logic of their cases, failing to see how challenging they are. Friedman often recommends investing more time in juror values by "making a point to talk to a wide variety of people. If you don't let your case's logic or sympathy get in the way, you will have a better chance of seeing your case's value-centered core."

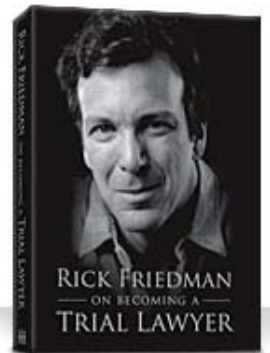
At Home in the Jungle

I was surprised to read that Friedman believes "whatever your potential as a trial lawyer, you are more apt to fully realize it by going to therapy. You're more likely to be happy too."

Essentially our chosen career path requires us to see and feel what is going on with others and that has significant pressure and conflict. Therapy can help on both counts, writes Friedman.

The author also discusses winning and losing. What does a win, or even a loss, mean? We lose perspective by comparing verdicts. Friedman correctly points out that this is an "exercise in self-delusion." No two cases are alike, and many factors contribute to a result; good or bad.

Friedman closes with a suggested perspective, admittedly a favorite part of the book. Many of us complain about the unfairness of the system. Instead of drowning in unhappiness,



perhaps looking at things with a new framework would be useful.

“For us to complain about unfairness is like firefighters complaining there is too much smoke for them to put out the fire.”

Friedman continues with the metaphor, a fitting closing:

“If we think of ourselves as firefighters entering the burning building, we might discover several things. First, we might discover that the smoke is not as thick (the system not so unfair) as we believed. Self-pity, cynicism, and zealotry have a way of distorting our perceptions. With the detachment of the firefighter, we may see more clearly. Second, we can reclaim our idealism – a more mature idealism. It is our sweat, our tears, and whatever comes

dripping out of our souls when we are in that fire that lubricates this system. It is our job to enter the burning building. And that is something to be very proud of.”

Ken Levinson is the founding partner of Levinson and Stefani. He handles wrongful death and significant injury cases arising out of truck, bus, automobile collisions, and child injury cases. His is on the Board of Managers of the Illinois Trial Lawyers Association and is a graduate of the prestigious Gerry Spence Trial Lawyers College. Ken has spoken at dozens of legal programs throughout the country. Ken would like to thank the greatest law partner a lawyer could have, Jay Stefani, for reviewing this piece and offering wonderful suggestions.

Here is the link to the book, which is published by Trial Guides - <http://www.trialguides.com/book/rick-friedman-on-becoming-a-trial-lawyer/>

