

War Stories as Teachable Moments

By Sharon J. Arkin, Editor-in-Chief



Every trial lawyer I've ever met loves to tell "war stories" about their trials. And, truth be told, they are generally interesting, frightening, or funny, but are seldom boring. Although by the time you get to the 10th, 20th or 50th one, it might become a little wearying.

But what I've noticed about these war stories is they always have a "teachable moment." At their heart they are stories of overcoming a problem in the case, finding the right document at the right time, figuring out how to get a jump on the other side, finding the lost witness, figuring out where the "hole" is in the other side's case.

One of the most popular programs at every year's CAOC convention is the "Masters" program – where experienced trial lawyers share their hard-earned lessons and share the wisdom gleaned over years in the arena that is litigation. I think those programs are so popular for two reasons: They do have teachable moments that provide insight and inspiration; and, which I think may be even more important, they provide proof that what we do is important and that when the need arises, help will arrive.

Carrying that philosophy forward, this edition provides you with lessons from four of CAOC's masters: Ron Rouda, Mark Robinson, Bill Shernoff and Chris Dolan. They each provide insight into a trial strategy, or even a moment – while in the midst of trial – where inspiration struck and which provide lessons that every trial lawyer needs to learn.

Obviously, CAOC has a large number of "masters" – trial lawyers who have tried dozens, if not hundreds, of cases over the years and who are recognized as being at the top of our profession. Our plan here at the Forum is to have a continuing "Masters" column, where our mentors will tell us a story – but with a moral; where they will bring their own experience to you and share their teachable moment so that you, too, can benefit from their learning process.

I've already requested that some of our other masters prepare articles for us for the future. If I haven't contacted you, please – please – let me know that you're interested in contributing to our project. We welcome lessons in all shapes, sizes and aspects. Help us teach others.

In closing, let me thank not only the very busy lawyers who contributed to this issue's masters – and other – articles, but all of you. Large firm or small; partner or solo; trial lawyer or appellate lawyer; whatever your area of practice, we are all fighting against opponents of unimaginable power. And we do it every day, against crushing odds. Yet we persevere. As Lee Harris – the organization's Financial Secretary – recently said so inspiringly about what we do:

I hope as time goes on that what we all do – i.e. practicing law, representing people who have real problems but don't start out with lots of money – will give voice again to the needs of everyday people who have been drowned out by the noises of the owners of the largest bullhorns in our society for the last 20-25 years. I remember talking with a barrister a number of years ago about how tough it was handling cases in England and I asked him how he managed to win some – and he said – "every once in a while we are right." Picking cases where we are right and pushing them really does count for something. For some reason that I can't really identify specifically – on a society-wide basis – I think we are at a rebalancing point – where the equities may start turning more in favor of the average person. Consumers have a chance of being heard because of your commitment.

Thank you all, for all you do. ■

Sharon J. Arkin has law offices in Los Angeles. The firm specializes in plaintiff appeals. She is a former president of CAOC and is Editor-in-Chief of the Forum. She is also a 2010 recipient of the CLAY award in appellate law.
www.arkinlawfirm.com

CAOM Consumer Attorneys of Marin
JUDGES DINNER

AN EVENING HONORING THE JUDICIARY OF MARIN COUNTY

October 23, 2012

The Spinnaker

Judge James R. Ritchie

*Accepting on behalf of the bench of
Marin County Superior Court*

REGISTRATION & SPONSORSHIP INFORMATION CALL CAOC (916) 442-6902